

ASSEMBLY BILL

No. 611

Introduced by Assembly Member Gordon

February 16, 2011

An act to amend Section 94897 of the Education Code, relating to private postsecondary education.

LEGISLATIVE COUNSEL'S DIGEST

AB 611, as introduced, Gordon. Private postsecondary education: unaccredited doctoral degree program.

Existing law, the California Private Postsecondary Education Act of 2009, provides, among other things, for student protections and regulatory oversight of private postsecondary schools in the state. The act prohibits certain types of conduct by regulated institutions.

This bill would prohibit an institution from offering an unaccredited doctoral degree program without disclosing to prospective students prior to enrollment that the degree program is unaccredited, and any known limitation of the degree, including, but not limited to, whether the degree is recognized for licensure or certification in California and other states.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 94897 of the Education Code is amended
- 2 to read:
- 3 94897. An institution shall not do any of the following:

1 (a) Use, or allow the use of, any reproduction or facsimile of
2 the Great Seal of the State of California on a diploma.

3 (b) Promise or guarantee employment, or otherwise overstate
4 the availability of jobs upon graduation.

5 (c) Advertise concerning job availability, degree of skill, or
6 length of time required to learn a trade or skill unless the
7 information is accurate and not misleading.

8 (d) Advertise, or indicate in promotional material, without
9 including the fact that the educational programs are delivered by
10 means of distance education if the educational programs are so
11 delivered.

12 (e) Advertise, or indicate in promotional material, that the
13 institution is accredited, unless the institution has been accredited
14 by an accrediting agency.

15 (f) Solicit students for enrollment by causing an advertisement
16 to be published in “help wanted” columns in a magazine,
17 newspaper, or publication, or use “blind” advertising that fails to
18 identify the institution.

19 (g) Offer to compensate a student to act as an agent of the
20 institution with regard to the solicitation, referral, or recruitment
21 of any person for enrollment in the institution, except that an
22 institution may award a token gift to a student for referring an
23 individual, provided that the gift is not in the form of money, no
24 more than one gift is provided annually to a student, and the gift’s
25 cost is not more than one hundred dollars (\$100).

26 (h) Pay any consideration to a person to induce that person to
27 sign an enrollment agreement for an educational program.

28 (i) Use a name in any manner improperly implying any of the
29 following:

30 (1) The institution is affiliated with any government agency,
31 public or private corporation, agency, or association if it is not, in
32 fact, thus affiliated.

33 (2) The institution is a public institution.

34 (3) The institution grants degrees, if the institution does not
35 grant degrees.

36 (j) In any manner make an untrue or misleading change in, or
37 untrue or misleading statement related to, a test score, grade or
38 record of grades, attendance record, record indicating student
39 completion, placement, employment, salaries, or financial
40 information, including any of the following:

1 (1) A financial report filed with the bureau.

2 (2) Information or records relating to the student's eligibility
3 for student financial aid at the institution.

4 (3) Any other record or document required by this chapter or
5 by the bureau.

6 (k) Willfully falsify, destroy, or conceal any document of record
7 while that document of record is required to be maintained by this
8 chapter.

9 (l) Use the terms "approval," "approved," "approval to operate,"
10 or "approved to operate" without stating clearly and conspicuously
11 that approval to operate means compliance with state standards as
12 set forth in this chapter. If the bureau has granted an institution
13 approval to operate, the institution may indicate that the institution
14 is "licensed" or "licensed to operate," but may not state or imply
15 either of the following:

16 (1) The institution or its educational programs are endorsed or
17 recommended by the state or by the bureau.

18 (2) The approval to operate indicates that the institution exceeds
19 minimum state standards as set forth in this chapter.

20 (m) Direct any individual to perform an act that violates this
21 chapter, to refrain from reporting unlawful conduct to the bureau
22 or another government agency, or to engage in any unfair act to
23 persuade a student not to complain to the bureau or another
24 government agency.

25 (n) Compensate an employee involved in recruitment,
26 enrollment, admissions, student attendance, or sales of educational
27 materials to students on the basis of a commission, commission
28 draw, bonus, quota, or other similar method related to the
29 recruitment, enrollment, admissions, student attendance, or sales
30 of educational materials to students, except as provided in
31 paragraph (1) or (2):

32 (1) If the educational program is scheduled to be completed in
33 90 days or less, the institution shall pay compensation related to
34 a particular student only if that student completes the educational
35 program.

36 (2) For institutions participating in the federal student financial
37 aid programs, this subdivision shall not prevent the payment of
38 compensation to those involved in recruitment, admissions, or the
39 award of financial aid if those payments are in conformity with

1 federal regulations governing an institution's participation in the
2 federal student financial aid programs.

3 (o) Require a prospective student to provide personal contact
4 information in order to obtain, from the institution's Internet Web
5 site, educational program information that is required to be
6 contained in the school catalog or any information required
7 pursuant to the consumer information requirements of Title IV of
8 the federal Higher Education Act of 1965, and any amendments
9 thereto.

10 (p) *Offer an unaccredited doctoral degree program without*
11 *disclosing to prospective students prior to enrollment that the*
12 *degree program is unaccredited, and any known limitation of the*
13 *degree, including, but not limited to, whether the degree is*
14 *recognized for licensure or certification in California and other*
15 *states.*